REMARKS/ARGUMENTS

1.)   Claim Amendments

Claims 1-14 are pending in the application. The claims have not been amended. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

2.)   Claim Rejections – 35 U.S.C. § 103(a)

On Page 4 of the Office Action, the Examiner rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Riddle (US 6,175,856) in view of Garakani, et al. (US 6,587,087). The Applicant respectfully disagrees and requests reconsideration of the pending claims in view of the arguments presented below.

In the Response to Arguments beginning on page 2 of the Office Action, the Examiner contends that Riddle discloses a funnel network element linking first and second physical networks in Col. 7, lines 42-46 and Col. 8, lines 45-47). The Applicant respectfully disagrees. Independent claims 1 and 8 define the funnel network element as a network element that links the first and second physical networks and imposes bandwidth limitations on communications passing through the funnel network element. There is nothing in the passages cited by the Examiner regarding a network element of this type. There are references to multiple networks and a process of selecting a codec common to all recipients, but there is no mention whatsoever of a funnel network element that links the first and second physical networks and imposes bandwidth limitations on communications passing through the funnel network element.

The Applicant's claimed invention selects a codec depending upon whether an answer to an address detection message includes the address of the (bandwidth-limiting) funnel network element. Nothing in Riddle or Garakani teaches or suggests such a process.

The Examiner variously cites processes and physical network elements for showing the claimed funnel network element. However, the specification as well as claims 1 and 8 leave no doubt about the construction relating to the "funnel network element":

.- It is an element that links at least two different physical networks, provides interconnection between, and limits the bandwidth of communications passing through the element;

.- It is an element different from the endpoints that initiate and/or terminate a communication; and

.- It is a network element having a network address, which can be traced by sending an address detection message.

Therefore, as opposed to the Examiner's interpretations, nothing in Riddle discloses steps (a) and (d) of claim 1, or elements (b) and (d) of claim 8. Regarding claim 1, for example:

- Step (a): Nothing is disclosed or suggested in Riddle about storing and/or obtaining addresses of network elements linking different physical networks, such as, for example, the "router" of Riddle (Riddle: router "17" in Fig.1; page 3 line 54 - page 4 line 11).

- Step (d): Nothing is disclosed or suggested in Riddle about considering in the codec selection "ranking process" whether an address of a network element, which links different physical networks that can be traversed by an endpoint communication, is received as a reply to an address detection message (step "c") and is previously stored by the server that receives the endpoint communication request (steps "a" and "b").

The Applicant further notes that the Examiner equates the claimed funnel network element with the codec ranking *process* in Riddle. However, the codec ranking process is not an addressable network entity, and thus does not meet the other claimed requirements of the funnel network element.

Finally, although the incorporation of Garakani into Riddle could facilitate the computer systems of Riddle obtaining details of network topology (for example, network addresses), the incorporation would not provide any modification in the codec selection process, since Garakani does not disclose or suggest using the collected address information for codec selection purposes.

Accordingly, the combination of Riddle and Garakani does not establish a *prima facie* case of obviousness as required by MPEP 2143. The above distinguishing

features are recited in independent claims 1 and 8. Therefore, the allowance of claims 1 and 8 is respectfully requested.
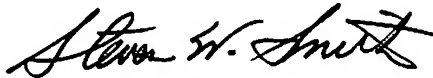
Claims 2-7 and 9-14 depend from base claims 1 and 8, respectively, and recite further limitations in combination with the novel elements of claims 1 and 8. Therefore, the allowance of claims 2-7 and 9-14 is respectfully requested.

3.) Conclusion

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-14.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,

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